

Budget Initiative Fact Sheet

Office: MaineCare Services

Date: 12/13/2011

Initiative: 7448 – PNMI

Account: 0705, 0732, 0844, 0147

I. Description of Budget Proposal:

Eliminate this optional coverage by eliminating private non-medical institution service. This coverage exceeds the federal minimum eligibility requirements.

a. Appropriation Increase: \$

b. Appropriation Decrease: \$

II. Program Description:

Private Non-Medical Institutions (PNMI) were developed in Maine in the late 1980s as a result of federal initiatives to expand Medicaid in an effort to reduce the populations in large institutions such as Pineland. PNMI provide personal care services, rehabilitation and treatment in specialized service areas in a residential setting for people who do not meet an institutional level of care but who require medically necessary services. MaineCare member admission to a PNMI requires prior authorization from the Department of Health and Human Services (DHHS).

Maine has five categories of PNMI. However, only four are included in this budget proposal. The fifth category, Children's Services, is not affected by this budget initiative.

- 1) **Substance Abuse PNMI** provide residential substance abuse treatment and rehabilitation services including: detox, residential rehabilitation, extended care and halfway houses. 264 clients
- 2) **Case Mix (Medical and Remedial Services) PNMI** provide medical and remedial services including: assisted living, dementia care. The term case mix is linked to the payment methodology, which is based on the acuity of the people in each facility. 4,291 clients
- 3) **Community Residences for Persons with Mental Illness PNMI** provide mental health treatment and rehabilitative services to people with severe and persistent mental illness. 608 clients
- 4) **Non-Case Mixed Medical and Remedial Facilities PNMI** provide medical and remedial treatment services to MaineCare members who require specialized services due to conditions such as acquired brain injury, HIV/AIDS, developmental disability or blindness. 379 clients

The Center for Medicare and Medicaid Services (CMS) has for some years expressed concern regarding Maine's use of the PNMI model. Communication of this concern began three years ago with CMS citing Maine as one of two states with this funding model. Most recently, CMS

clearly stated the PNMI model cannot continue. Their specific concerns are: room and board rates included in the treatment rate; qualification of providers; duplication of services; and whether consumer choice is appropriately implemented.

III. Total Individuals Served: 5,542

IV. Program Eligibility Criteria:

General Eligibility Criteria

MaineCare members must meet the basic eligibility criteria as set forth in Part 2 of the MaineCare Eligibility Manual, 10-144 CMR Chapter 332. Further restrictions on the type and amount of services are detailed below.

Medical Necessity

Services provided in the PNMI setting must meet medical eligibility criteria set forth in rule. Prior to receiving services, the prior authorization process must be completed. This process includes documentation in writing from a physician or primary care provider that the PNMI model of service is medically necessary for the MaineCare member.

Medical Eligibility for Substance Abuse Facilities PNMI

MaineCare members must meet American Society of Addiction Medicine (ASAM) Patient Criteria for the Treatment of Substance Abuse Disorder, Level III, Residential/Inpatient Treatment to be eligible for PNMI services.

Medical Eligibility for Case Mixed Medical and Remedial Facilities PNMI

MaineCare members must meet the medical eligibility requirements for residential care as indicated by the Medical Eligibility Determination (MED) tool assessment. The member must meet one or more of the following:

- Requires cueing seven days a week for eating, toilet use, bathing and dressing;
- OR requires limited assistance and a one-person physical assist with at least two of the seven activities of daily living (ADLs): bed mobility, transfer, locomotion, eating, toilet use, bathing or dressing;
- OR requires preparation and administration of regularly scheduled prescribed medications two or more times per day that is or otherwise would be performed by a person legally qualified to administer prescription medication;
- OR requires any of the following nursing services at least once a month that are or otherwise would be performed by or under the supervision of a registered professional nurse:
 - administration of treatments, procedures or dressing changes that involve prescribed medications for post-operative or chronic conditions that require nursing care and monitoring including administration of medication via a tube; tracheostomy care; urinary catheter change; urinary catheter irrigation; barrier dressings for Stage 1 or 2 ulcers; chest Physical Therapy (PT) by RN; oxygen therapy by RN; or other physician ordered treatments;

- OR professional nursing assessment, observation, and management for problems including wandering, physical or verbal abuse or socially inappropriate behavior;
- OR professional nursing assessment, observation and management for impaired memory and impaired recall ability and impaired cognitive ability;
- OR exhibits moderately to significantly impaired decision-making ability that will result in reasonably foreseeable unsafe behavior when not appropriately supervised as measured by the cognition section of the MED tool;
- OR presents an imminent risk of harm or a probable risk of significant deterioration as determined by the Department or the Department's Authorized Agent, of the individual's physical, mental or cognitive condition if the individual resides or would reside outside of a licensed facility.

Eligibility for Community Residences For Persons With Mental Illness PNMI services

MaineCare members must meet the eligibility criteria determined through the Level of Care Utilization System for Psychiatric and Addiction Services, Adult Version 2010, of the American Association of Community Psychiatrists (LOCUS), which includes:

- Age 18 or older or is an emancipated minor;
- AND has a primary diagnosis on Axis I or Axis II of the multiaxial assessment system of the current version of the *Diagnostic and Statistical Manual of Mental Disorders*, other than one of the following diagnoses: delirium, dementia, amnesia, and other cognitive disorders; mental disorders due to a general medical condition including neurological conditions and brain injuries; substance abuse or dependence; developmental disabilities; adjustment disorders; V-codes; or antisocial personality disorder;
- AND demonstrates a need for residential care as assessed by the LOCUS with a score on the LOCUS of at least 23 or greater and a Level V or more.

Eligibility Criteria for Non-Case Mixed Facilities Services PNMI

Depending upon what constellation of services a MaineCare member requires, DHHS utilizes multiple tools to determine eligibility. These tools are: LOCUS for members requiring treatment for severe and persistent mental illness; BIAT for members who require treatment for brain injury; and Developmental Services Needs inventory tool for members who require treatment for Intellectual Disabilities.

Medical Eligibility Criteria for Persons Treated in Facilities Specializing in Treatment of Brain Injuries:

MaineCare members must meet the following eligibility criteria for admission to a PNMI that specializes in the treatment of brain injuries:

- Age 18 or older;
- AND have a primary diagnosis of head injury, defined as "an insult to the brain" resulting directly or indirectly from trauma, anoxia, vascular lesions or infection,

which is not of a degenerative or congenital nature; can produce a diminished or altered state of consciousness resulting in impairment of cognitive abilities or physical functioning; can result in the disturbance of behavioral or emotional functioning; can be either temporary or permanent; and can cause partial or total functional disability or psychosocial maladjustment” confirmed by a qualified neuropsychologist or a licensed physician who is Board certified or otherwise Board eligible, in either physical medicine and rehabilitation or neurology;

- AND have cognitive, physical, emotional and behavioral needs resulting in a score of at least 3 on one item in at least two domains on the Brain Injury Assessment Tool (BIAT) administered by a qualified neuropsychologist or occupational therapist or speech/language pathologist or a licensed physician who is Board certified or otherwise Board eligible in either physical medicine and rehabilitation or neurology or other licensed professional authorized by Brain Injury Services;
- AND have a demonstrated need for 24-hour supervision and support as indicated on the Brain Injury Health and Safety Assessment (BIHSA) administered by a qualified neuropsychologist or occupational therapist or speech/language pathologist or a licensed physician who is Board-certified or otherwise Board-eligible in either physical medicine and rehabilitation or neurology or other licensed professional authorized by Brain Injury Services.

Medical Eligibility Criteria for Persons Treated in Facilities Specializing in Treatment of Members with Mental Retardation/ Pervasive Developmental Disorder PNMI

MaineCare members must meet the following eligibility requirements to be eligible for services under this sub-section specializing in treatment for members with mental retardation and/or Pervasive Developmental Disabilities:

- At least 18 years old;
- AND meet the eligibility requirement for persons with mental retardation/pervasive developmental disorders as defined in 34-B M.R.S.A. Section 5001(3) and 6002. "Mental retardation" means a condition of significantly sub-average intellectual functioning resulting in or associated with concurrent impairments in adaptive behavior and manifested during the developmental period."
- AND be in jeopardy of not having a place to live, or not adequate supervision necessary to assure their health and safety. This determination will be made based on the results of a risk assessment and supported by the member's planning team;
- AND require that supervision be available and on-site at all times;
- AND have identified needs at the C,D or E level in at least three of the categories in the Department's Developmental Services Needs Inventory tool.

Eligibility for Other Medical and Remedial Facilities PNMI

Some Medical and Remedial PNMI's treat members with medical needs not detailed above. To receive reimbursement these providers must assure that members meet medical eligibility for at least one of the above Medical and Remedial Facility eligibility

criteria including, at a minimum, the eligibility criteria for Case Mixed Medical and Remedial PNMI or Non Case Mixed Medical and Remedial PNMI or eligibility as a public ward for Adult Protective Services as defined in 22 M.R.S.A Chapter 958-A.

V. Current Budget Proposal:

- 1) Appropriation Increase: \$
- 2) Appropriation Decrease: \$
- 3) Description of Budget Proposal:

Eliminate this optional coverage by eliminating private non-medical institution service. This coverage exceeds the federal minimum eligibility requirements.

- 4) Percent of the reduction vs. total funding for the program:

- 5) Savings/Reduction Plan:

- a) What are the Administrative Savings?
- b) Members Impacted:
- c) Services:

PNMIs provide residential services for MaineCare members who do not meet an institutional level of care but who require medically necessary services. These services are personal care, rehabilitation and treatment in specialized service areas.

- 6) Any contracts impacted? ☐ Yes ☐ No

VI. Any Legal Issues/Requirements, etc.? Federal? State?

Federal – subject to approval of CMS State Plan Amendment, federal requirement for member and provider notice. Medically necessary services for children are required through Early Periodic Screening Diagnosis and Treatment (EPSDT) and may not be eliminated.

State – subject to approval of state rulemaking and changes to statute 22 MRSA §3174-Q.

This budget initiative violates the consent decree.

VII. MOE Requirements? ☒ Yes ☐ No
If yes, please explain:

A small number of Case Mix Facility residents who are financially eligible only through spend down could lose financial eligibility for MaineCare if they are not able to document other medical expenses. These members are those who achieve financial eligibility only through inclusion of PNMI costs in their medical costs.

VIII. Q & A follow-up after committee session held on _____
Date